

AMENDED IN ASSEMBLY MARCH 25, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 2134

Introduced by Assembly Member Chesbro

February 18, 2010

An act to add Section 25503.45 to the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

AB 2134, as amended, Chesbro. Alcoholic beverage control: tied-house restrictions: instructional events: beer.

The Alcoholic Beverage Control Act authorizes any person holding a manufacturer's agent's, rectifier's, importer's, or wholesaler's license to give away samples of the alcoholic beverages that are authorized to be sold under that license. Existing law provides that a retail license does not authorize the furnishing or giving away of any free samples of alcoholic beverages. Existing law permits beer manufacturers, holders of a beer and wine importer's general license, and licensed beer and wine wholesalers to instruct consumers regarding beer, respectively.

This bill would additionally allow *licensed* beer manufacturers and holder's of a beer and wine importer's general license, or any director, partner, officer, agent, or representative of that person, to conduct an instructional event held at ~~a retailer's~~ *an on-sale retail licensee's* premises featuring ~~beer produced by or for the beer manufacturer or imported by the licensed beer and wine importer,~~ *beer*, subject to specified conditions.

The Alcoholic Beverage Control Act provides that a violation of any of its provisions for which another penalty or punishment is not specifically provided is a misdemeanor. This bill, by including

provisions that, if violated, would result in a misdemeanor, would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 25503.45 is added to the Business and
2 Professions Code, to read:

3 25503.45. (a) Notwithstanding any other provision of this
4 division, a *licensed* beer manufacturer or a holder of beer and wine
5 importer's general license, or any director, partner, officer, agent,
6 or representative of that person, may ~~conduct or participate in, and~~
7 ~~serve beer at, an instructional event for consumers held at a~~
8 ~~retailer's premises featuring beers produced by or for the beer~~
9 ~~manufacturer or imported by the licensed beer and wine importer,~~
10 ~~subject to the following conditions:~~

11 (1) ~~No premium, gift, free goods, or other thing of value may~~
12 ~~be given away in connection with the instructional event by the~~
13 ~~beer manufacturer or holder of a beer and wine importer's general~~
14 ~~license, except as authorized by this division.~~

15 (2) ~~No alcoholic beverages may be given away in connection~~
16 ~~with the instructional event except that beer, taken from growlers~~
17 ~~or from tanks, may be sampled at the instructional event. For the~~
18 ~~purposes of this section, minimal amounts of the samples provided~~
19 ~~for tasting at the instructional event in addition to the beers being~~
20 ~~featured do not constitute a thing of value.~~

21 (3) ~~No alcoholic beverages may be sold at the instructional~~
22 ~~event, except that orders for the sale of beer may be accepted by~~
23 ~~the beer manufacturer if the sales transaction is completed at the~~
24 ~~beer manufacturer's premises.~~

25 (4) ~~For purposes of this section, a licensed beer and wine~~
26 ~~wholesaler shall not be a representative of a beer manufacturer or~~
27 ~~a holder of a beer and wine importer's general license.~~

~~(b) Notwithstanding any other provision of this division, a beer manufacturer or a holder of a beer and wine importer's general license, in advance of an instructional event for consumers being held at a retailer's premises, may list in an advertisement the name and address of the retailer, the names of the beers being featured at the instructional event, and the time, date, and location of, and other information about, the instructional event, provided: instruct consumers at an on-sale retail licensed premises authorized to sell its product with the permission of the on-sale retail licensee. The instruction may include, without limitation, serving beer sold by the on-sale retail licensee and providing information on the history, nature, values, and characteristics of the beer, and methods of presenting and serving the beer. Orders for the sale of beer may be accepted by the beer manufacturer conducting an instructional event if the sales transaction is completed at the beer manufacturer's licensed premises.~~

(b) A person authorized by subdivision (a), in advance of an authorized instructional event, may list in an advertisement the name and address of the on-sale retail licensee, the names of the beers being featured at the instructional event, and the time, date, and location of, and other information about, the instructional event, subject to the following limitations:

(1) The advertisement does not also contain the retail price of the beers.

(2) The listing of the retailer's name and address is the only reference to the retailer in the advertisement and is relatively inconspicuous in relation to the advertisement as a whole. Pictures or illustrations of the retailer's premises and laudatory references to the retailer in these advertisements are not hereby authorized.

~~(c) Notwithstanding any other provision of this division, the name and address of a beer manufacturer or a holder of a beer and wine importer's general license, the brand names of beer being featured, and the time, date, location, and other identifying information of a beer promotional lecture at retail premises may be listed in advance of the event in an advertisement of the off-sale or on-sale retail licensee.~~

~~(d) Nothing in this section authorizes a beer manufacturer or a holder of a beer and wine importer's general license, or any director, partner, officer, agent, or representative of that person, to share in the costs, if any, of the retailer licensee's advertisement.~~

1 ~~(e) Nothing in this section authorizes any person to consume~~
2 ~~any alcoholic beverage on any premises licensed with an off-sale~~
3 ~~retail license.~~

4 *(c) An on-sale retail licensee's advertisement of an authorized*
5 *instructional event may include the name, address, and brand*
6 *names of the person authorized by subdivision (a), however nothing*
7 *in this section allows that person to share in the costs of the on-sale*
8 *retail licensee's advertisement.*

9 *(d) For purposes of this section, a licensed beer and wine*
10 *wholesaler shall not be a representative of a beer manufacturer*
11 *or a holder of a beer and wine importer's general license.*

12 *(e) Notwithstanding any other provision of this division, no*
13 *alcoholic beverage may be given away in connection with the*
14 *instructional event authorized by this section.*

15 SEC. 2. No reimbursement is required by this act pursuant to
16 Section 6 of Article XIII B of the California Constitution because
17 the only costs that may be incurred by a local agency or school
18 district will be incurred because this act creates a new crime or
19 infraction, eliminates a crime or infraction, or changes the penalty
20 for a crime or infraction, within the meaning of Section 17556 of
21 the Government Code, or changes the definition of a crime within
22 the meaning of Section 6 of Article XIII B of the California
23 Constitution.